

REMARKS

This Amendment is submitted in follow-up to the personal interview conducted with Examiner Matthews on May 3, 2005 and also to the final Office Action mailed on May 16, 2005. Claims 9 and 10 have been canceled due to the restriction issued in the final Office Action, and without prejudice to the filing of a divisional application drawn to such method claims.

During the interview conducted on May 3, 2005, Applicants' undersigned counsel discussed the Cox '308 and Seguin et al. '471 patents in the context of claims 7 and 8 as submitted in the previous amendment. Applicants' counsel discussed the distinguishing features of the annuloplasty device set forth in claims 7 and 8 generally as raised in the remarks contained in the previous amendment. In response to comments made by the Examiner during the interview, certain of the amendments proposed in this after-final amendment were discussed and Applicants' undersigned counsel agreed to incorporate such amendments into the claims to further clarify the claims over the Cox and Seguin et al. patents.

In addition to the fact that the Seguin et al. and Cox patents fail to disclose a posterior segment of a ring-shaped member which extends downward in the direction of blood flow relative to an anterior segment, the claim has been revised to state that the posterior segment is "preformed" to extend in that downward direction relative to the anterior segment "so as to be retained in the preformed position when the ring shaped member is fixed to the annulus to promote coaptation between the plurality of leaflets." The Examiner suggested the use of the term "preformed" to overcome the

interpretation of the Seguin et al. and Cox rings made in the final Office Action. That is, in the final Office Action the Examiner states that the Seguin et al. and Cox rings are "flexible and when implanted would inherently possess a segment extending downward relative to another segment." This interpretation of the Cox and Seguin et al. structures clearly no longer applies to the ring-shaped member set forth in claims 7 and 8 and its preformed structure. With specific regard to Cox, the Cox ring further discloses that a substantial portion of the ring-shaped flexible member extends outside of the heart as shown in dashed lines in Figs. 1A-F. Therefore, to further clarify over Cox claims 7 and 8 have been amended to state that the ring-shaped member is configured for fixation to the annulus "entirely inside the heart."

As discussed with the Examiner at the interview, the Cox and Seguin et al. patents fail to anticipate or render obvious the structure recited in claims 7 and 8 and, moreover, fail to remotely address the problems solved by Applicants' claimed invention. In particular, the preformed downward posterior segment of the ring-shaped member forces the annulus in a downward direction and improves the positioning of the posterior leaflet relative to the anterior leaflet to improve coaptation between the leaflets. The prior art utterly fails to disclose or suggest both the structure and purpose of this claimed aspect. A flexible ring, although it may or may not intermittently have a downwardly extending segment due to a movement of the heart or a shape of the annulus, clearly fails to address the problems associated with coaptation of the leaflets and solved by the preformed ring-shaped member set forth in claims 7 and 8. For at least these reasons, Applicants respectfully submit that claims 7 and 8 clearly define

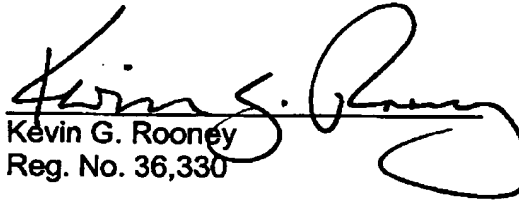
patentable subject matter over the Cox and Seguin et al. patents and are also otherwise completely in condition for allowance.

If there is any additional matter in need of discussion upon review of this application, the Examiner is respectfully requested to contact Applicants' undersigned counsel by telephone to expedite issuance of this application.

Applicants believe that no other fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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